

REMARKS

Reconsideration and allowance of the claims are requested in view of the above amendments and the following remarks. Claims 3, 30 and 35 have been amended. Support for the claim amendments may be found throughout the specification as well as the claims as originally filed. No new matter has been added. Claims 6 and 32 have been canceled without prejudice or disclaimer.

Upon entry of the amendment, claims 1-5, 7-31 and 33-36 will be pending in the present application with claims 1, 3, 30, 33 and 35 being independent.

I. Rejections Under 35 U.S.C. §102

The Office Action rejects claims 3-5, 7-15, 18-28, 30, 33 and 35-36 under 35 U.S.C. §102(e) as being anticipated by Baulier et al. (U.S. Pat. No. 6,496,831). Applicant respectfully traverses this rejection for at least the reasons stated below.

The Office Action fails to show that the claims are anticipated. “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Applicant respectfully submits that Baulier does not anticipate claims 3-5, 7-15, 18-28, 30 and 35-36 because Baulier fails to disclose, teach or suggest, among other elements, that “file segments in the data repository are not copied into the main memory from the data repository when needed by the application

program and are instead read, updated, deleted or modified directly in the data repository by the application program.”

Baulier discloses a real-time event processing system (EPS) for processing a sequence of events generated by one or more applications. Data necessary for event processing is stored in the main-memory database system 20 of EPS 12. (see col. 3, lines 44-46). Events are defined as any type of transaction involving contents of a database system, such as, for example, a group of read, update, delete or modify operations. (see col. 3, lines 56-59). Individual processed-event records are typically sent to the DW/ES 14 for archiving. (see col. 3, lines 47-49). Archived data may be used later for non-real-time tasks. (see col. 3, lines 49-50). Furthermore, Baulier discloses that memory store 32 in a real-time analysis engine (RAE) 22 of the EPS 12 is based on a single-site, main-memory storage manager, such as a DataBlitz main-memory database (see col. 5, lines 31-36; FIGS. 1 and 2). The DataBlitz system is designed under the assumption that the entire database resides in main memory (see col. 5, lines 54-63). Therefore, Baulier teaches that data is copied into main-memory in order to process operations such as read, update, delete or modify.

Claim 3, as amended, recites the following language, among other elements:

wherein file segments in the data repository are not copied into the main memory from the data repository when needed by the application program and are instead read, updated, deleted or modified directly in the data repository by the application program

The Office Action asserts that Baulier anticipates “wherein the data in the data repository is not copied into main memory from the data repository when needed by the application

program.” (Office Action, page 13, paragraph 6). Applicant respectfully submits that claim 3 is patentably distinct from Baulier for at least the reason that Baulier fails to disclose, teach or suggest that “file segments in the data repository are not copied into the main memory from the data repository when needed by the application program and are instead read, updated, deleted or modified directly in the data repository by the application program.”

In contrast to Baulier, claim 3 of the present application recites that “wherein file segments in the data repository are not copied into the main memory from the data repository when needed by the application program and are instead read, updated, deleted or modified directly in the data repository by the application program.” As discussed above, Baulier teaches that the data necessary to read, update, delete or modify is stored in main memory. Therefore, Baulier fails to disclose, teach or suggest that “file segments in the data repository are not copied into the main memory from the data repository when needed by the application program and are instead read, updated, deleted or modified directly in the data repository by the application program.” For at least this reason, claim 3 is allowable over Baulier.

Applicant further submits that independent claims 30 and 35 are analogous to claim 3 for at least the reason that each of these claims recite that “file segments in the data repository are not copied into the main memory from the data repository when needed by the application program and are instead read, updated, deleted or modified directly in the data repository by the application program.” Accordingly, withdrawal of the anticipation rejection with respect to claims 30 and 35 is respectfully requested for at least the foregoing reasons.

Applicant further submits that if all of the elements of an independent claim are not

present, then all of the elements of any claim depending therefrom are not present. Claims 4-5, 7-15 and 18-28 depend from claim 3. Claim 36 depends from claim 35. Applicant respectfully submits that, for at least this reason, that claims 4-5, 7-15, 18-28 and 36 are also allowable.

In addition, Baulier teaches that “the data stores store objects connected through a table.” (Office Action, page 12, paragraph 6). Therefore, Baulier fails to disclose, teach or suggest “file segments including objects directly connected by memory pointers.” In contrast to Baulier, claims 8-10 and 33 recite “file segments including objects directly connected by memory pointers.” The specification explicitly distinguishes “objects directly connected by memory pointers” from objects which are linked through data tables. The specification states that:

All the stored objects are directly interconnected by memory pointers into one large matrix of information. Only rarely is information searched for as in the classic database model, since almost all information is already pre-linked in the patterns in which it will be used. Unlike relational databases, which may use redundant data tables to represent these pre-linkages, any given data object in the data repository 160 is stored only once.

(Specification, paragraph 33). For at least this reason, claims 8-10 and 33 are allowable over Baulier.

Applicant respectfully requests reconsideration and withdrawal of the anticipation rejection of claims 3-15, 18-28, 30, 32-33 and 35-36 for at least the foregoing reasons.

II. Rejections Under 35 U.S.C. §103 for Obviousness

The Office Action rejects claims 1-2, 16-17, 29, 31 and 34 under 35 U.S.C. §103(a) as being unpatentable over Baulier et al. in view of Horan et al. (2003/0225662). Applicant

respectfully traverses this rejection for at least the reasons stated below.

The Office Action has failed to meet its burden of establishing a *prima facie* case of obviousness under 35 U.S.C §103(a). According to MPEP §2143, three basic criteria must be met to establish a *prima facie* case of obviousness. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). See MPEP 706.02(j).

As recited above, to form a *prima facie* case of obviousness under 35 U.S.C. §103(a) the cited references, when combined, must disclose, teach or suggest every element of the claim. See MPEP §2143.03, for example. Applicant respectfully submits that the Office Action has not established a *prima facie* case of obviousness because the cited references, taken alone or in combination, fail to disclose, teach or suggest every element of the claims for at least the following reasons.

As discussed above, Baulier fails to disclose or suggest that “file segments in the data repository are not copied into the main memory from the data repository when needed by the application program and are instead read, updated, deleted or modified directly in the data repository by the application program.” Horan fails to cure this defect in Baulier.

Horan discloses a managed asset platform that includes a portfolio management system and a workflow system (see abstract). However, Horan does not recite connecting to a data repository of a database, wherein the database is not stored in a main memory of a computer connecting to the data repository, as included in the independent claims. Furthermore, Horan fails to disclose or suggest that “file segments in the data repository are not copied into the main memory from the data repository when needed by the application program and are instead read, updated, deleted or modified directly in the data repository by the application program.” For at least this reason, independent claims 3 and 30 are allowable over Baulier in view of Horan.

Claims 16-17 and 29 depend from claim 3. Claim 31 depends from claim 30. As discussed above, claims 3 and 30 are allowable over Baulier in view of Horan. For at least this reason, and the features recited therein, claims 2, 16-17, 29 and 31 are also allowable.

In addition, as discussed above, Baulier fails to disclose, teach or suggest, “file segments including objects directly interconnected by memory pointers,” as recited in claim 1. Horan also fails to cure this defect. Accordingly, claim 1 patentably distinguishes over Baulier in view of Horan for at least the reason that claim 1 recites “objects directly interconnected by memory pointers.” Applicant respectfully submits that claim 33 is analogous to claim 1 for at least the reason that it also recites objects “objects directly interconnected by memory pointers.” Claim 2 depends from claim 1. Claim 34 depends from claim 33. For at least the foregoing reasons, claims 2 and 34 are also allowable.

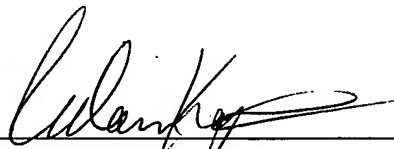
In view of the above, reconsideration and withdrawal of the obviousness rejection of claims 1-2, 16-17, 29, 31 and 34 are respectfully requested.

SUMMARY

Applicant submits that the present application is in condition for allowance and requests favorable action in the form of a Notice of Allowance. Should the Examiner believe that this application is in condition for disposition other than allowance, the Examiner is invited to contact the undersigned at the telephone number listed below in order to address the Examiner's concerns.

*By Adam Kaylan Regt 39,435
on behalf of Stephen Glazier*

Respectfully submitted,



Stephen C. Glazier
Reg. No. 31,361
(202) 778-9045

Date: 1/24/07

Kirkpatrick & Lockhart Preston Gates Ellis LLP
1601 K St., NW
Washington, DC 20006
(202) 778-9000
Fax: (202) 778-9100